

# CLANDESTINE AMERICA



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*"This is the Age of Investigation, and every citizen must investigate." — Ed Sanders*

### THE JFK HEARINGS: A Preliminary Critique

*The following statement was issued by the AIB on September 28, 1978—the last day of the JFK public hearings. Copies were distributed at the hearing room to the press and to members of the HSCA and its staff. The statement contains an initial critique of the HSCA's presentation of the medical, ballistics, and acoustical evidence. It is a first step towards the development of a comprehensive review of the entire hearings.*

The conclusion of the House Assassination Committee's hearings into the JFK murder brings us to a moment of review and summary. We of the AIB have tried always to present the most responsible and well-reasoned claims against the Warren Commission's theory of the crime; we understand that the select committee's final views will not be available until the committee's report is published in three or four months, and we will not rush to judge these results. We are preparing a full-dress response to be presented in December when the committee holds its last days of public hearings.

At the same time, the AIB feels it would be inappropriate for these JFK hearings to end without response from the critical community.

Several observations are in order.

First, the AIB feels that the committee's hearings have made a valuable contribution to public understanding of the JFK case, despite our belief that the committee has presented no real case against Oswald as the lone assassin. We will describe below some of our objections to the case made against Oswald, but we went to say up front that the committee and its staff did a powerful piece of work. They have exterminated certain of the wilder speculations that appear in the critical literature, and this will be as real a relief to the serious critics as to those who weary of hearing sensationalized claims that cannot be backed up. We need hear no more of an umbrella man shooting poison darts, or of a gunman in the bushes, or of three tramps of Dealey Plaza who reappear as the burglars of Watergate.

Second, whatever its final conclusions, AIB credits the committee for taking the work of the critics seriously. The more customary official response, as is well known, is to jeer that anyone silly enough, or mentally sick enough, to think that there are such things as conspiracies at high levels of American government is not worth being heard out. Perhaps it took Watergate and Koreagate and the incredible discoveries about the CIA and Chile and the various assassination plots in which it has been implicated to make people face the fact that a conspiracy theory of the president's murder is not on its face an absurdity. Indeed, the technical thickness of the case built up—or to use chief counsel

G. Robert Blakey's image, "the great weight of evidence" his staff has assembled—is already a kind of indication that the critics' objections to the official theory were important and difficult and that they were not posed idly. The committee has acknowledged that the autopsy was mishandled, that the medical evidence is contradictory and confusing, the performance of the investigative agencies dismal, the initiative and sophistication of the Warren Commission inconsiderable, and the suggestion of ties of some kind between Oswald and the world of intelligence operations and Jack Ruby and the world of organized crime profound.

Were these not questions that would have to be addressed in any murder case, never mind the murder of the president? And was it not altogether appropriate on the critics' part to press the debate, to research, to investigate, to lobby, until finally the government responded? And for the quality of the response, when at last it came, we thank the committee and its staff. They have elevated the level of the national debate.

This much said, however, we think it is fair to call attention to some of the respects in which the committee's work has not been nearly so impressive.

1. The committee's mandated task—task demanded by the people—was to look at the case again and present all the facts. Perhaps it was inevitable that the lawyers undertaking this task should formulate a viewpoint of their own; but surely that ought not to have led to the kind of orchestration of witnesses and the careful selection of lines of interrogation that have characterized the hearings. Chief counsel Blakey's staff and the committee members examined witnesses as though the hearing were a court trial and the committee a prosecutor. It is fine to be a prosecutor, but to establish the truth would require that there be also a defense attorney: someone to ask the embarrassing question of the technical expert and in general to orchestrate the case for the defense.

There has been nothing of that here, no one to make *Oswald's* case, no one to remind the on-looking press and the nation that Blekey's case against Oswald looks as good as it does primarily because no one with equal staff, budget and time has had the opportunity to take it in hand, pull open its seams and show the world what it is really made of. Blakey and the committee may at the moment enjoy a certain sense of victory, but their decision to shut down the other side's chances at rebuttal and rejoinder will eventually work against the credibility of their results. Another one-sided trial of an undefended Oswald is not what the people paid \$6 million to see.

2. More particularly, the questioning of almost every witness has been jarringly incomplete and biased. A prime example of this was the examination of Dr. James J. Humes, the chief surgeon at the president's autopsy.

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Humes, recall, is the man who probed the president's wounds, removed his brain, stayed with his body throughout the autopsy and the preparation of the body for burial, working from 7:30 in the evening until 5:00 in the morning. He has unique knowledge bearing on several major points of controversy in the medical area. He could have told us why it took him 15 years to be convinced that the shot to the head struck Kennedy in the cowlick area rather than in the external occipital protuberance where the two other autopsy surgeons, Dr. Pierre Finck and Dr. J. Thornton Boswell, still locate it to this day. Apparently Humes changed his mind about this only at the last moment, since medical panel chairman Dr. Michael Baden still thought Humes dissented from his panel's findings as late as the day the two of them testified.

More importantly, Humes could have told us why he did not dissect the wounds in the president's neck and back to see if they were connected by the path of a single bullet. Blakey told the committee in one of his narrations that Humes himself made the decision not to dissect. But Humes's co-surgeon at the autopsy, Dr. Finck, testified under oath that it was a military officer present in the autopsy room who ordered the surgeons not to carry out this important task. Why could this matter not have been fully addressed in the public hearing?

Furthermore, Humes told the committee that his autopsy report was a verbatim copy of the bloodstained notes he prepared in the autopsy room. Yet it is known that Humes and the other Bethesda surgeons were not aware of the president's neck wound (virtually obscured by the tracheostomy performed in Dallas) until Humes was told about it on Saturday morning in a phone conversation with Dr. Malcolm Perry of the Dallas-Parkland group. How could Humes's "verbatim copy" of the bloodstained notes contain a reference to the neckwound if the bloodstained notes were drafted before Humes knew about it?

3. The committee also failed conspicuously to confront the question of the missing medical evidence.

To explain this shocking, almost macabre fact that the president's brain has for years been missing from its place in the National Archives, Blakey speculated (we thought lamely) that Robert Kennedy must somehow have acquired the brain and destroyed it. But Blakey offered not a wisp of evidence to support this remarkable allegation.

In the first place, if (as Blakey suggested) the purpose of the alleged theft of the brain was to keep painful pictures of it from circulating, then why did the Kennedys not also steal or destroy the balance of the autopsy photos, photos evidently so painful to look at that Chairman Louis Stokes must assure us that we "would not want to see them"?

In the second place, if this was the motive for the brain's removal, then what was the motive for the removal also of certain microscopic tissue slides? There is nothing lurid about these, and along with the brain itself they would help clear up the controversy about the wounds. Also missing are autopsy photos of the president's chest cavity. These photos might settle the question of whether the bullet that hit the president from the back exited from his throat, a question that lies at the very crux of the debate.

But we do not have the photos or the tissue slides. Blakey omitted all reference to them. But that silence will not make the question go away. Until the committee has shown that their disappearance is innocuous, and as long as only 3 out of 14 existing x-rays can be proved authentic, how can the committee expect people to accept its medical findings as conclusive?

4. The committee heard an acoustical expert, Dr. James Barger of Bolt, Beranek and Newman testify that his firm's

highly sophisticated examination of a police tape of the shooting indicated that four shots were fired, not the three that the Warren Commission found, and furthermore: (a) that the timing of the shots makes it highly unlikely if not impossible that two of the shots, the second and the fourth, could have been fired by the same Mannlicher-Carcano rifle that fired the first and the third; and (b) that one of the shots appears to come from the grassy knoll in front of the president, just as many witnesses have long contended.

The committee's treatment of Dr. Barger's testimony was as unthoughtful as its treatment of Dr. Humes. Barger presented in a very careful way the results of an ingeniously designed on-site experiment in which actual rifle fire in Dealey Plaza was compared with the "impulses" electronically detectable on the police tape. The committee and its staff merely brushed these results aside. They did this by making Barger seem to say that the third of the four apparent shots, the shot from the front, could just as well have been a "false alarm." The fact is that the correlations Barger's test discovered for the knoll shot were fully as strong as the correlations for the other three.

5. For all the time and energy the committee devoted to clearing up specious and irrelevant arguments which no serious critics maintained to begin with, it is amazing to us that they refused to carry out ballistics tests to determine whether or not it is physically possible for a bullet to cause the damage the committee's single-bullet theory associates with it and undergo as little deformation as bullet CE399. The committee has not been asked to prove that such a result is probable, only to show that it is not impossible. But that requires tests of a hard empirical nature, and in the absence of such tests, no amount of "expert" testimony to the contrary will satisfy common sense that CE399 did what the lone-gunner theorists insist it did.

Many other areas as well call for extended critique, but as we said at the top, we intend to prepare our full critique carefully and will present it at the outset of the December hearings. For the moment, we mean only to put the committee and the press on notice that the critical community, while it is respectful of the work of the committee and its staff, does not in the least regard the case as having been closed. On the contrary, we can promise now to show in December that the evidence developed and displayed by the committee, properly analyzed and interpreted, makes the case for conspiracy stronger and more urgent than ever.

—The AIB

### RECOMMENDED READING

- 1—*And We Are All Mortal—New Evidence and Analysis in the Assassination of John F. Kennedy*, by George Michael Evica, 1978, 465 pp., printed by the University of Hartford, 200 Bloomfield Ave., W. Hartford, Conn. 06117.
- 2—*Who Was Jack Ruby?*, by Seth Kantor, 1978, 242 pp., Everest House, NYC.
- 3—*"Ray Looks Guilty As Alibis Dissolve. But Was He Alone?" In These Times*, by Jeff Cohen, B/30-9/5, 1978, p. 3.
- 4—*Spooks—The Haunting of America—The Private Use of Secret Agents*, by Jim Hougan, 1978, 478 pp., Wm. Morrow & Co., NYC.
- 5—*The Hoffa Wars*, by Dan E. Moldea, 1978, Paddington Press, NYC. (see also *Playboy*, November 1978 for excerpt).
- 6—*The Teamsters*, by Steven Brill, 1978, 414 pp., Simon & Shuster, NYC.



## HSCA JFK HEARINGS: Schedule and Witness Called

For the benefit of our readers here is the complete witness and subject schedule of the September JFK hearings. Each day's subject heading (italicized and in quotes) was assigned by the HSCA:

### The Assassination and Oswald

September 6th—("Dallas"), Witnesses and Exhibits (henceforth, "W & E"): John and Nellie Connally; Zapruder film shown; Robert Groden, HSCA photo consultant and Warren Commission critic.

7th—("Autopsy"), W & E: Ida Dox, the HSCA medical illustrator; Lowell Levine, D.D.S., forensic dentist, and Calvin S. McCamy, head of the HSCA photo panel (both testified regarding the authenticity of the x-rays and photos); Dr. Michael Baden, chairman of HSCA medical panel; Dr. James J. Humes, chief JFK autopsy doctor; Dr. Cyril H. Wecht, HSCA medical panelist presenting dissenting opinion.

8th—("Autopsy" cont'd), W & E: Dr. Charles Petty, pathologist and currently Chief Medical Examiner, Dallas County, Texas. ("Ballistics"), W & E: Larry Sturdivan, ballistics expert; HSCA Ballistics panel (Monty Lutz, Donald Champegne, John Bates, Jr., and Andrew Newquist); George R. Wilson, firearms identification assistant to ballistics panel; Vincent P. Guinn, neutron activation analysis.

11th—("Acoustics"), W & E: Dr. William Hartman, "jiggle" analysis of Zapruder film; Dr. James E. Barger, Bolt, Beranek & Newman, Cambridge, Mass., acoustical research firm; "The Dallas Police Motorcycle Tape"; Paul McCaghren, retired Dallas Assistant Police Chief, regarding authenticity of the tape; Dr. David Green, psycho-acoustical analysis.

12th—("Trajectory"), W & E: Calvin S. McCamy, head of photo panel; Thomas Canning, NASA engineer, trajectory analysis.

13th—("Lee Harvey Oswald"), W & E: Marina Oswald Porter.

14th—("Lee Harvey Oswald" cont'd), W & E: Marina Oswald Porter. ("The Backyard Photos"), W & E: Jack White, HSCA photo consultant and Warren Commission critic; Calvin McCamy, head of photo panel; Sgt. Cecil W. Kirk, D.C. Police forensic photography expert, Joseph P. McNally, head of HSCA handwriting panel.

15th—("The Backyard Photos" cont'd), W & E: Calvin McCamy and Sgt. Kirk. ("Russia"), W & E: HSCA Staff Report on Yuri Nosenko; John Hart, retired CIA official who reviewed the Nosenko case for the CIA.

18th—("Cuba"), W & E: Sylvia Duran (Sylvia Tirado Bazan), according to the HSCA, "unexpected business engagements prevented her from appearing," a tape of her deposition was played instead; Eusebio Azcue Lopez, former Cuban Consul to Mexico City, 1963; Alfredo Mirabel Diaz, succeeded Azcue as Cuban Consul to Mexico City; Joseph P. McNally, handwriting panel.

### Performance of Government Agencies

19th—("Cuba" cont'd), W & E: Excerpts from 1978 HSCA interview with Fidel Castro. ("Secret Service"), W & E: Inspector Thomas J. Kelley, Secret Service liaison to the Warren Commission; Chief James J. Rowley, Director of the Secret Service from 1961-72, retired.

20th—("FBI Investigation"), W & E: James R. Malley, FBI liaison officer to the Warren Commission, retired; James H. Gale, FBI inspector assigned by Hoover to investigate the FBI's performance in the pre-assassination Oswald case, retired.

21st—("Warren Commission"), W & E: Gerald R. Ford, former US President and Warren Commission member; John Sherman Cooper and John J. McCloy, Warren Commission members; J. Lee Rankin, Chief Counsel of the Warren Commission; Nicholas deB. Katzenbach, former Deputy Attorney General, 1963.

22nd—("The CIA Investigation"), W & E: Richard Helms,

### To Our Readers—

Just a quick note to keep you abreast of our recent activities and future plans.

As most of you know, no other group has been actively monitoring the work of the HSCA in Washington. AIB representatives were the only critics to attend *all* of the hearings and to circulate briefings and questions for witnesses to the committee and the press. It was through AIB's efforts that viewers throughout the country were able to see and hear assassination critics Jeff Cohen, Paul Hoch, and David Lifton as PBS commentators. Our newsletter is the only continuing publication on assassinations originating from the "seat of government." Our position as a responsible source of information and analysis on the JFK and MLK questions has been more firmly established than ever.

We will again be carrying out these functions during the upcoming King hearings and then again in December when the HSCA wraps up the public aspect of its investigations. But much work remains to be done—in particular, reading and analyzing the voluminous hearing transcripts, documents and exhibits as we develop our response.

Rep. Preyer has expressed the belief that when the HSCA's work is over the questions which remain will be for historians to decide. The AIB is committed to keeping the issue of assassinations in the *political* arena where it belongs.

—the AIB

former Director of CIA, CIA Deputy Director for Plans (Clandestine Services) in 1963.

### Conspiracies

25th—("Conspiracy Theories"), W & E: Joseph McNally, handwriting panel; Sgt. Cecil Kirk, photoanalysis; Dr. Clyde Snow, anthropology expert; Dr. Bob Hunt, HSCA photo enhancement panel; Louie Steven Witt, "The Umbrella Man"; Jacqueline Hess, HSCA Chief of JFK research, "mysterious deaths" project and actuarial reports.

26th—("Conspiracy Theories"), W & E: Cuban exile groups, HSCA narration entered into the record on JURE and Alpha 66; Earl Ruby, Jack Ruby's brother accompanied by counsel Alan Adelson; Capt. Jack Revill, Dallas Police Department, in 1963 he was a lieutenant in the Criminal Intelligence Section and was a member of the special investigative unit charged with determining how Ruby entered the Dallas Police basement on 11/24/63; "Ruby Associates and Phone Project," HSCA narration of Ruby's organized crime associates and related phone records.

27th—(*Untitled*), W & E: Lewis J. McWillie, professional gambler and close friend of Jack Ruby; Jose Aleman, Cuban exile leader.

28th—(*Untitled*), W & E: Santos Trafficante, Jr., Florida Mob boss; Ralph Salerno, NYC Police organized crime expert and HSCA consultant; Judge Burt W. Griffin, Warren Commission assistant counsel (see *Griffin's Statement* this issue); Chairman Louis Stokes, closing remarks.

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Chairman Stokes indicated in his final remarks that the HSCA is considering holding 1 or 2 days more of public hearings on the JFK case—to tie up loose ends and present additional evidence. These hearings would presumably be held between December 1 (the last day of King hearings) and December 12 (the first day of the HSCA's four day final deliberations and legislative recommendations session).

Selected critiques of areas of investigation and witnesses from the September and December hearings will be presented in future issues of *Clandestine America*.



### AUTOPSY NOTES

The Assassinations Committee's first order of business at its recent hearings was an attempted reconstruction of the Dealey Plaza shooting. Using an impressive display of scientific tests and expert testimony, Chief Counsel G. Robert Blakey presented an argument for the Warren Commission scenario—all shots most likely fired from the sixth-floor southeast corner window of the Texas School Book Depository, with one bullet inflicting all the non-fatal wounds to John Kennedy and John Connally.

The HSCA has enriched the total body of physical evidence while trying to shore up the single-bullet theory and the myth that all of the shots were fired from behind, but has failed to make its case convincing. To understand the problems that the committee is grappling with, a brief history of the medical evidence is needed.

Kennedy and Connally were shot in Dealey Plaza at 12:30 PM on November 22, 1963, and were immediately taken to Parkland Hospital for emergency treatment. Doctors in attendance noticed a gaping wound in the President's head and a small neat hole, 3x5 mm according to one doctor, in the front of his neck. All but one of the doctors who saw the neck wound initially believed it was one of *entrance*. A tracheotomy incision was made by the doctors through the neck wound in a vain attempt to facilitate the President's breathing.

The President was pronounced dead at 1 PM. In violation of Texas law, no post mortem examination was conducted before the body was flown to Bethesda Naval Hospital, outside Washington, for the official military autopsy. Commander J.J. Humes, the hospital's Director of Laboratories, was assigned to supervise the autopsy and he chose Dr. J. Thornton Boswell, Chief of Pathology, Naval Medical School, and Lt. Colonel Pierre Finck, Chief of the Wound Ballistics Pathology Branch at the Armed Forces Institute of Pathology, to assist him.

When the body arrived at 7:30 PM, x-rays and both color and black and white photos were taken of the body. The autopsy itself began at 8:00. Present were the three doctors, FBI and Secret Service agents, and military officials.

The Bethesda doctors observed the massive head wound, but they did not realize that the tracheotomy incision had obliterated a missile wound. Once the President was turned onto his stomach, the doctors noticed two other wounds of which the Parkland doctors were unaware—one, a hole located to the right and "slightly above" the external occipital protuberance (the little bump at the base of the skull, just above the hairline); the other, a hole located in the upper back just to the right of the spine. For reasons unexplained, the autopsy surgeons failed to provide precise measurements pinpointing the locations of these two wounds.

Color photos were taken of the interior of the President's chest. The brain was removed and preserved in formalin for future examination. The back wound was not dissected; however, according to an FBI report written by agents present at the autopsy, Humes probed the wound with his finger and found that it extended downward for a couple of inches at a 45° to 60° declination. At 11 PM, the autopsy was completed.

The next day, Saturday, November 23, Humes and his two colleagues began drafting an autopsy report based on notes they made during the examination. (Humes would later testify to the Warren Commission that he burned a first draft of this report on Sunday.) But it was only on Saturday morning—after the autopsy was over—that Humes learned for the first time of the small hole in the front of the throat. This information was relayed to him in a phone conversation with Dr. Malcolm Perry, one of the Parkland doctors.

On December 6, the three Bethesda doctors examined the preserved brain. Inexplicably, and in defiance of normal medical procedure, the brain's interior was not inspected, nor was the

brain sectioned for microscopic examination. Had the brain been sectioned, many of the controversies concerning the number of bullets to the head and their origins might never have arisen.

Based on the autopsy report, the Warren Commission concluded that one bullet struck JFK in the back of the head and exited from the right side of the skull. An earlier bullet, they concluded, had entered his upper back, traversed his body, exited through his throat, and gone on to inflict all the wounds suffered by Connally.

The record is incomplete on the chain of possession of the brain and other autopsy materials (including the photos and x-rays) in the years following the assassination. Custody was transferred from President Kennedy's estate to the National Archives according to an agreement dated October 29, 1966.

On November 1, 1966 Drs. Humes and Boswell, upon request by the Justice Department, identified and catalogued the materials in the Archives. This was the first time either man had seen the developed photos.

On January 20, 1967, all three autopsy doctors re-examined the x-rays and photos, and wrote a report, dated January 26, 1967, which confirmed their original findings.

Amidst growing public controversy surrounding the findings of the Warren Commission, and New Orleans D.A. Jim Garrison's prosecution of Clay Shaw, a new medical review panel was quietly assembled under the jurisdiction of Attorney General Ramsey Clark, presumably the first doctors outside the autopsy team to examine the evidence. The report of the Clark Panel, dated April 9, 1968, included the following points:

1. "At the site of and above the tracheotomy incision in the front of the neck, there can be identified the *upper* half of the circumference of a circular . . . wound . . ."

2. Several metallic fragments were located on x-rays just above the President's right lung and neck. (Again, the three autopsists failed to make this observation, even though it would have strengthened the argument that a bullet entered the back and exited the neck.)

3. The Panel located the wound on the back of the head 100 mm, or 4 inches, above the occipital protuberance, according to x-rays and photos they examined. Thus, without explanation for the discrepancy, the wound was repositioned from the hairline to near the top of the skull.

Dr. Cyril Wecht, former President of the American Academy of Forensic Sciences and the coroner for Allegheny County, examined the materials in 1972. Dr. Wecht reported that the brain, the pictures of the interior chest, and microscopic tissue slides were missing from the Archives. No explanation was provided to Wecht.

In 1975, amid renewed and more formidable criticism of the lone assassin theory, a 5-man panel was assembled by the Rockefeller Commission to review the materials. Their findings were similar to those of the Clark Panel.

The HSCA has convened its own 9-man medical panel, whose chairman, Dr. Michael Baden, Chief Medical Examiner of New York City, testified that the medical evidence is "consistent with" the lone assassin and single bullet theories. The task of persuading the public at this point in time that these theories are correct is an enormous one. Questions are likely to remain in every area of the HSCA's treatment of the medical evidence as is illustrated below by selected examples.

It is interesting to note that the Committee felt it was first necessary to authenticate the x-rays and photos and called two witnesses, Dr. Lowell Levine, a forensic dentist, and Calvin McCamy, a photoanalyst, for this purpose. But Levine authenticated only three of the fourteen x-rays (the other 11 presumably showed no teeth) and McCamy could only vouch that the photos were not doctored in any way, not that they were of JFK.

Critics have always questioned whether the back wound was high enough on the body to permit a downward trajectory ending



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at the throat wound. One photograph (an illustration based on it was introduced at the hearings) shows a wound on the upper back. In this photo, the arms are stretched above the head raising the apparent location of the wound.

Dr. Baden never precisely located the back wound in his testimony. Admiral George Burkley, the President's personal physician, had fixed the back wound, in a death certificate made out after the assassination, at the third thoracic vertebra. At last month's hearings, Dr. Baden mentioned there was "evidence of injury" to the first thoracic vertebra. But when the President's shirt and jacket were displayed on a mannikin, Dr. Baden never described the holes in the clothing but merely pointed to the general areas, which are clearly located closer to where Admiral Burkley placed the wound.

The autopsy team failed even to notice the throat wound, but inferred the day afterward (November 23), after talking to the Parkland doctors, that a bullet had exited from the throat. According to Dr. Baden, the medical panel was now able to identify a small semi-circular defect on the lower edge of the tracheotomy incision as the remnant of a bullet hole, and indeed an exit wound. However, Baden could not explain why the Clark Panel had located the hole on the *upper* edge of the incision. On another point, Dr. Baden failed to mention that there is no copper residue on the President's necktie and shirt front, while the bullet holes on the back of the shirt and jacket had copper traces at the edges.

In general, the HSCA's evidence was made to conform to the theory, not vice versa. This is best shown by their failure to call the medical personnel who treated the President and Governor Connally in Parkland Hospital. All but one of those who viewed the throat wound before it was destroyed, and who were asked about it, said it was an entrance wound because of its size and characteristics. During the autopsy the wound had not even been discovered, let alone examined. No bullet tracks linking the back and throat wounds were found. Since the HSCA hopes that the single bullet theory will gain acceptance, the final report of its medical panel will presumably explain (in greater detail than appears in Dr. Baden's testimony) how the medical evidence supports the conclusion that a bullet traversed Kennedy's upper chest and exited from his throat.

The medical panel has not yet reported on the performance during the autopsy of the doctors themselves. Dr. Baden noted in passing that there were a "number of deficiencies" in the conduct of the autopsy. These, he said, include, "the assumption of jurisdiction of the dead body, the qualifications of the pathologists who did the autopsy, the lack of contact between the doctors who did the autopsy and those who performed surgery on the President, the lack of consistency and ability in viewing clothing, the documentation of injuries, the preservation of evidence, and the completeness of the autopsy."

One photograph allegedly shows the back of the President's head supported by several gloved hands. As Dr. Baden noted, there is a bullet hole "in the cowlick area." A ruler in the photograph fixes the location in relation to the rest of the head. The three autopsy surgeons, who over the years had seen the evidence on several occasions, consistently located the entrance wound on the back of the head four inches lower than the Clark Panel and all subsequent reviews. Dr. Humes admitted that a four inch discrepancy was "significant." Dr. Baden recognized that Drs. Humes, Finck, and Boswell all had insisted up until now that the wound was located at the hairline at the base of the skull. He explained that the autopsy doctors mistook some dried tissue and blood for the wound, claiming that "the observations that these three pathologists made were valid in describing the wound and the characteristics of the wound, but in making the report up the next day, not . . . under direct visualization, the entrance perforation on the back of the head was thought to be four inches lower than it really is." Dr. Humes, summoned hastily to the witness

chair by the committee, appeared to agree with Baden's explanation; Finck and Boswell were not questioned publicly. But the purported autopsy photograph with the ruler, allegedly taken during the autopsy itself, appears in conflict with Dr. Baden's account.

Another explanation, which some researchers are now entertaining, is that this photograph and possibly others are not of John Kennedy. There is already reason to believe that the medical evidence has been tampered with; someone, without authorization, secretly removed the brain, tissue slides, and some of the photos. According to Chief Counsel Blakey, the HSCA questioned over 30 individuals in a vain effort to locate the brain. He caught everyone by surprise when he speculated that Robert Kennedy may have destroyed the brain out of fear it would be subjected to public display. But who destroyed the tissue slides? And who purloined the missing photos? Did RFK destroy these as well? What assurances does the public have that whoever removed key evidence didn't also replace evidence?

The HSCA's medical presentation leaves several other questions unanswered about the lone assassin scenario. On the single bullet theory it isn't enough that a bullet exited JFK's throat; the same bullet is said to have struck Governor Connally causing all of his wounds. But, although the HSCA sponsored neutron activation analysis tests which identified a fragment removed from Connally's wrist as coming from the "magic bullet," serious questions remain as to whether a bullet such as this one could have caused the wrist wound alone and remained undeformed. Moreover, the HSCA never acknowledged the extent of the damage to Connally's 5th rib (5 inches of it were fractured according to one of his doctors). This damage was allegedly caused by the very same bullet. Instead, Dr. Baden testified that the damage was "minor" and it is medically uncertain exactly what happened to the rib. At the hearings, Dr. Baden introduced no x-rays of Connally's chest and no testimony from the Governor's doctors was presented on this point.

Predictably, the HSCA explained the explosive backwards motion of JFK's head at the time of the fatal shot as a neuromuscular reaction combined with the so-called "jet effect." In this respect, the 1975 account by the Rockefeller Commission was followed exactly. Before this, of course, the suppression of the Zapruder film prevented any awareness that there was a backwards head motion. Professor Blakey admitted what the critics have long known—that when frames of the Zapruder film were first published in 1964 the FBI reversed the two frames following the head shot, creating the impression of a *forward motion*.

Larry Sturdavan, a ballistics expert from Aberdeen Proving Ground, Maryland (with questionable *medical* expertise), testified that the backwards head motion was due to a neuromuscular reaction. Evidence was presented that when such a reaction occurs all the muscles of the body contract—with the stronger muscles of the back prevailing over the weaker abdominal ones. But in the 30-year-old films which Sturdavan showed the HSCA, in which live goats are shot in the head and a neuromuscular reaction is said to occur, the goats' arms and legs flail outward impulsively. Sturdavan failed to explain why Kennedy's limbs did not exhibit such a reaction.

Many eyewitnesses in Dealey Plaza heard shots coming from the grassy knoll. The HSCA is apparently discounting their statements. There were, however, two special eyewitnesses: Dallas Police officers Bobby Hargis and B.J. Martin, who were riding motorcycles stationed behind and to the left of the Presidential limousine. They both stated that when JFK was hit by the fatal shot they were splattered with blood and brain matter traveling with considerable impact (6H 2B9-96). The force was so violent that for an instant Hargis thought he had been hit by a shot. Hargis obviously believed at the time that the shot came from the front for he jumped off his cycle and, gun drawn, joined the



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crowd that was running up the grassy knoll. If the shot was from the rear and the backwards motion was due to a neuromuscular reaction, how does the HSCA explain the accounts of Martin and Hargis?

Finally, the HSCA's questioning of Dr. Humes was inexcusable. After limited questioning by staff counsels, *all* members of the committee passed. No further questions were asked of this crucial witness. Even so, Dr. Humes contradicted himself when he told the committee that the materials he burned after the autopsy were notes made during the examination that had become stained with Kennedy's blood. These, he said, were destroyed on Saturday, November 23. But he had told the Warren Commission (2H 373) that he burned a first draft of the autopsy report on Sunday, November 24. Unfortunately the HSCA failed to pursue this obvious contradiction.

Since the back wound was not examined, the throat wound wasn't even known to the autopsists, let alone examined, and the head wound, especially the brain, was incompletely examined, the question must be asked: Did John Kennedy receive an autopsy at all? It is inconceivable that such gross deficiencies by the autopsy team were due to incompetence, inexperience, or accident, and makes one ponder Dr. Finck's 1968 testimony under oath at the Shaw trial in New Orleans:

Q: Did you have an occasion to dissect the track of that particular bullet in the victim (JFK) as it lay on the autopsy table?

Dr. Finck: I did not dissect the track in the neck...

Q: Why not, Doctor?

Dr. Finck: For the reason that we were told to examine the head wounds and that the...

Q: Are you saying someone told you not to dissect the track?

Dr. Finck: I was told that the family wanted an examination of the head, as I recall, the head and the chest, but the prosecutors in this autopsy didn't remove the organs of the neck to my recollection.

Q: ... Why?

Dr. Finck: I had the cause of death...

Q: ... I am asking you why you didn't do this as a pathologist? ...

Dr. Finck: As I recall, I was told not to, but I don't remember by whom...

Q: Could it have been one of the admirals or one of the generals in the room?

Dr. Finck: I don't recall.

Until the Assassinations Committee can verify the chain of possession and authenticity of the medical evidence, and until it produces a public accounting from Drs. Humes et al. of the deficiencies in the autopsy, the American people have no choice but to see it as a tiresome continuation of a fifteen-year-old cover-up.

—H.Y. and J.K.

## GRiffin's STATEMENT

*The last witness called by the HSCA at its recent JFK hearings was former Warren Commission staff counsel Burt W. Griffin, now a federal judge in Cleveland. Although it received practically no attention in the press, Griffin's testimony was among the most significant heard by the HSCA, according to some assassination critics who were present. While not agreeing with all of Judge Griffin's remarks, the AIB considers his honest reappraisal of the failures of the Warren Commission sufficiently important to warrant reprinting. An edited version of his written statement, dated September 28, 1978, follows:*

To: House Select Committee on Assassinations

From: Judge Burt W. Griffin, Former Assistant Counsel, President's Commission on the Assassination of President Kennedy

Re: Statement to the Full Committee on September 28, 1978.

### I. The Goals of the Warren Commission

The Warren Commission was designed primarily to achieve four goals:

- 1) to establish the true facts surrounding the assassination of President Kennedy and the murder of Lee Harvey Oswald;
- 2) to accomplish that mission in a manner that would satisfy the broadest segment of influential people and the general American public;
- 3) to do the foregoing in a manner that would not unnecessarily disrupt the stability of the national government and its conduct of international affairs or jeopardize the national security; and
- 4) to do the foregoing in such a manner as not to damage substantially the reputations or employment of individuals against whom there did not exist convincing evidence of criminal conduct...

### Reasons for the Goals

*President Kennedy's death was surrounded with suspicions of conspiratorial intrigue that could easily feed efforts at domestic and international turmoil.*

*If the suspicions were true which those facts engendered, there would be the need for corrective actions by the new President and Congress. If the suspicions were unfounded but unabated, the suspicions would provide strong weapons in the hands of politically ambitious groups or individuals who desired to manipulate public opinion and public power for unjustified ends. . . It was important that a reliable body be established to investigate and report honestly the facts that surrounded those murders in order to minimize the possibility of such consequences.*

### Speed was an Element of the Investigation

Speed was an important element in the Warren Commission's operations. Initially, the White House informed the Commission that it should complete its work and make its report prior to the national political conventions scheduled for the summer of 1964. . . . but as the scope of the investigation became apparent, such a deadline became obviously unrealistic. . .

. . . In retrospect, speed was not the political necessity that the White House originally envisioned. The Warren Report was, itself, not issued until late September 1964 — after both. . . national conventions. At no time prior to the report's issuance did any member of Congress attempt to use the uncertainties of the assassination to oppose the Johnson administration policies; and, uncertainties about the assassination did not get injected into the 1964 presidential campaign. So long as the Commission was operating, the White House in fact achieved its goal of preventing the uncertainties surrounding the assassination from interfering with its own conduct of public policy.

But pressure for a quick report was not what induced the Commission not to push further into areas that are none of public concern. To anyone with criminal investigatory experience, the evidence seemed overwhelming that Oswald was the assassin. The conspiracy questions that remained were entirely speculative—based on political or underworld acquaintanceships but devoid of any concrete evidence of mutual participation in a murder.

As a practical matter, the Commission leadership decided not to pursue further the various speculative theories on conspiracy unless there was

- 1) substantial evidence that a specific suspected conspirator



had had personal contact with Lee Oswald or Jack Ruby during the period when that person could have counseled or assisted Oswald or Ruby in the events of November 21-23, 1963; and

2) unless there was some evidence that suspected conspirators desired to kill President Kennedy or were involved in a common political activity with Lee Harvey Oswald. . . .

### II. The Success and Failures in the Warren Commission

A. The Success. The overriding short-term political objective of President Johnson in establishing the Warren Commission was achieved—the determination of public policy was not substantially affected by the uncertainties of the assassination. . . .

The fact-finding goal of the Warren Commission was partially achieved. . . . Almost no probative evidence bearing upon the identity of participants in the murders has been uncovered by the legions of Warren Commission critics. No witness, unknown at the time of the original investigation, has come forward with information showing that any specific person assisted or encouraged either Oswald or Ruby in their murders.

The only significant, newly discovered information has been that evidence in the possession of governmental agencies was deliberately withheld from the Commission.

A major success, which Warren Commission critics unfortunately ignore, is that the civil liberties of Americans were conscientiously protected by the Commission and the Commission did not become a witch-hunt that destroyed the reputations and lives of innocent citizens. . . .

#### B. Failures.

1. Failure to Prevent the Assassination from Becoming a Long-term Political Issue.

2. Failures to Gain Full Cooperation from Investigative Agencies. The Committee, I know, has carefully examined the areas in which the CIA, the FBI, and the Dallas police failed to provide candid and loyal assistance to the Warren Commission.

3. Use of Liaison Personnel from Other Agencies. In retrospect, the Commission needed its own staff presence on the premises of the FBI, CIA, and Dallas Police Department with unrestricted access to their files and with freedom to speak privately and without prior approval to any employee of each agency. Instead, the FBI and CIA established their own liaison personnel at the Commission offices; all contacts with FBI and CIA personnel were cleared first through agency channels. . . .

4. Investigative Style. In. . . . the failure to have any of its own staff stationed within an agency, the system of agency-commission communication, the failure to employ its own staff investigators, the restraints on Commission interviewing techniques, the reluctance to use immunity grants and perjury prosecutions—the Commission chose an investigatory course that would cause the least damage to individual citizens and to existing public agencies. . . . At no time, however, did these limitations ever prevent a Commission staff member from making an inquiry that he believed was relevant. The consequence, nonetheless, was that the Commission was powerless to combat deliberate deceit by an investigative agency.

5. The Difficulties of Conducting a Conspiracy Investigation through a Special Commission. The investigatory techniques that the Commission utilized were the standard investigatory techniques of the FBI and were reasonably suited to an investigation which depended on testimony from independent witnesses who genuinely desired to tell the truth.

. . . . This approach, of course, was important to preserving the memory of an honest independent witness; but, for a possible co-conspirator it largely served to keep any possible conspirators fully apprised of the ongoing investigation. To my knowledge, the FBI never established a list of possible conspirators with either Ruby or Oswald; and, if it had such a list, it never placed

them under surreptitious investigation; or, if it did do so, the existence and nature of such investigation was never revealed to me. . . .

The development of sound theories and reasonable suspects required a Commission staff that was knowledgeable about the primary suspect groups—the pro and anti-Castro groups in the United States and Mexico, Cuban counter-intelligence and espionage, Soviet counter-intelligence and espionage in America, possible involvement of organized crime figures with such foreign groups, and linkages of all of those groups to the FBI, CIA, and Dallas police. The Commission, itself, employed only two persons with any substantial background in those areas. With respect to conspiracies related to Cuban or Soviet groups, the Commission had no staff members with pest expertise and relied entirely on the CIA and FBI. That lack of in-house expertise precluded developing workable hypotheses about conspiracies which could be investigated in an economical manner.

If such a staff could have developed workable hypotheses for conspiracies and specific suspects, a special investigative approach would also have had to have been developed. The approach probably would have had to rely heavily upon clandestine surveillance and infiltration of suspected groups and individuals. Wire tapping—illegal in 1963—would have been useful. Such investigation could not have been tied to a political timetable and would have taken years, not months to complete. . . .

. . . . To avoid being threatened by existing agencies, the Commission staff would have required close and direct support from the President and from the Attorney General so that impediments from reluctant investigative agencies could have been resolved with the full support of the President and Attorney General.

#### 6. Problems Arising from the Prosecution of Jack Ruby.

. . . The most important long-range consideration, however, was whether or not to seek to obtain immunity for Ruby in the assassination of President Kennedy, once he was convicted of murdering Oswald, in exchange for testimony concerning the assassination of President Kennedy. The Commission did not have power to grant this immunity since the prosecution for the murder of President Kennedy was controlled by the State of Texas. The Commission, moreover, chose not to exercise even its influence to gain such immunity...

#### 7. The Problems of Publication. . . .

8. A Mechanism for Evaluating New Evidence. The Warren Commission was short-sighted in writing its report and closing the door on further investigation. This led to claims that new evidence was being ignored or that the significance of old evidence had been overlooked. The public concern about the assassination of President Kennedy will not end in the lifetime of anyone in this room. The dedication of a democratic society to an honest search for the truth required an on-going vehicle for unbiased public inquiry.

Such problems might have been minimized if the Attorney General had established within the Justice Department an office which would have continued to receive evidence and analyses from anyone who desired to submit them. A probable consequence would have been that further private and public investigations would have been funneled into that office. Instead, the public continued to be bombarded with spurious claims that significant leads or new evidence had been developed when, in fact, the evidence was not new or the lead was not fruitful. Congress ultimately became the only national forum in which continuing questions could be re-examined.

9. The Historical Perspective. . . . The investigation, itself, . . . . lacked an historical perspective. One historical perspective would have been to collect raw data such as telephone call records, travel manifests, hotel registrations, photographic materials, police radio tapes, and investigative agency memos, even if



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they were not examined by the Commission. Those materials would have served as original data against which new witnesses, new leads, and accusations of investigative agency memos could later be evaluated even if they were not examined by the Commission.

### III. Conclusions and Recommendations.

A. *Conclusions. Political murder, whether it be of an elected or private official, requires an investigatory treatment different from that of ordinary crime.* The political implications of the murder do not vanish with the criminal prosecution. . . .

If a hint of conspiracy exists and possible conspirators are not identified and prosecuted, the case will be retried and re-examined in the public media. Ultimately, political pressures or new facts may force all or part of the original investigation to be renewed again by a Congressional committee such as the Select Committee or by another commission such as the Rockefeller Commission. Any governmental investigation into a political murder must address both the short-range purposes of its investigation as well as the long-range needs and pressures. The Warren Commission was a short-range success but a long-range failure.

#### B. Recommendations for Action by the Select Committee.

1. *Preserving the Historical Record.* The Select Committee should recommend that the John F. Kennedy Library or some other appropriate institution be established as the repository for all materials dealing with the assassination of President Kennedy and the murder of Lee Harvey Oswald. . . . All materials should be declassified except those whose publication is inconsistent with human decency. . . .

3. *Future Evidence on the Murders of Kennedy and Oswald.* If criminal prosecution remains possible for either of these murders under any applicable statute of limitations, the Select Committee should recommend that the Attorney General of the United States establish a procedure and designate an Assistant Attorney General who will be responsible for the continued evaluation of evidence which may establish a basis for prosecution. While this will undoubtedly have some consequence of encouraging spurious conspiracy claims, it will have the beneficial result of affirming the Federal government's continuing desire to ascertain the truth. Periodic presentations to a Special Grand Jury may be appropriate.

4. *Investigating Future Political Murders.* The Select Committee should use its own investigation as an opportunity to make recommendations on how future political murders should be investigated. . . .

5. *Appraising the Appropriate Means for Communicating or Withholding Information Affecting the President's Conduct of Foreign Affairs or National Security.* The Select Committee should candidly assess the CIA's withholding of information that it had attempted to assassinate Fidel Castro and should recommend, how, in the future, any information should be handled which is relevant to domestic assassination but whose disclosure might threaten the national security or interfere with the conduct of foreign affairs by the President.

## THE KING INVESTIGATION: Where Is It Going?

James Earl Ray, who has spent a good part of his adult life behind bars, is now reaching a kind of legal halfway house. His ten year long bid for a trial has been stymied by the HSCA, whose August hearings on the King assassination substantially strengthened the public perception that he has told lies and inconsistent stories over the years to protect co-conspirators.

Ray has always claimed that he was not involved in any assas-

sination plot. When he bought the alleged murder rifle and rented a room in Memphis, he thought he was part of a gunrunning scheme led by the mysterious "Raoul," a New Orleans-based smuggler who Ray said he met in Montreal and who supported his activities in the year between his escape from the Missouri State Prison and the King assassination. Ray has failed to provide any leads to the identity of "Raoul," and it is beginning to seem as if "Raoul" is an invention of Ray's to mask his true associates. Ray himself now seems more of a witling conspirator than the innocent dupe he claims to be. For example, Ray has always said that when he left Los Angeles shortly before the King assassination at the direction of "Raoul," he was headed for New Orleans. The HSCA, however, found a change-of-address card filed by Ray which gave Atlanta (where King had his headquarters) as his destination.

Several members of the HSCA, as well as many black leaders, believe that Ray's right to a fair trial should take a back seat for now, pending the outcome of the committee's investigation. Despite the statements of a former Scotland Yard detective, made ten years after the fact, that, while in custody after his arrest in London, Ray virtually confessed to the crime, few have been persuaded by the "lone assassin" scenario.

There will be an attempt to pursue questions of conspiracy when the HSCA's hearings re-commence in November. If Ray is again a witness (which is doubtful at this time), he could be asked about how he obtained various false identity papers and the aliases which went with them. This, along with the question of Ray's finances, is where the search for a conspiracy has always been centered. It is not known whether the HSCA has found any significant new evidence in these areas.

But even without Ray, the hearings should produce some interesting results. New evidence has surfaced which may make it possible to press the investigation without first having to make Ray talk.

Before considering this new evidence, it would be best to look at some background information.

In 1976, the Justice Department undertook a review of the FBI's investigation of the King shooting. One of the important conclusions of that review was that the FBI should have looked more closely at Ray's contacts with members of his family, both before and after the assassination. Three sorts of contacts were mentioned: visits to Ray by his brothers when Ray was at the Missouri State Prison (one such visit was made by John L. Ray on April 22, 1967, the day before Ray escaped, according to FBI records); Ray's use of the address of his sister, Carol Pepper, to send money out of prison illegally as a favor to fellow inmates; several contacts between Ray and both of his brothers, John L. and Jerry, after his escape and then, a year later, after the assassination.

The FBI knew in November 1968, according to the Justice Department review, that Jerry Ray lied about contacts with his brother; it was discovered at that time, three months before Ray's guilty plea, that James Earl Ray had transferred the registration of his car to Jerry on August 25, 1967. The Justice Department criticized the FBI for failing to confront Jerry Ray with what amounted to a potential charge of aiding a fugitive.

When Justice Department officials questioned Jerry Ray he admitted several of these contacts, but denied knowing anything about where his brother got his money. The Justice Department review found Jerry's credibility to be suspect and noted that, although the statute of limitations had run out, the FBI "abandoned a significant opportunity to obtain answers from family members concerning some of the important questions about James Earl Ray which still remain." John L. Ray declined to be questioned by the Justice Department.

The HSCA has taken up the investigation of possible involvement with Ray by members of his family. Both John L. and Jerry Ray, as well as Carol Pepper, have each testified at least once to the committee in executive session. The HSCA has threatened contempt proceedings against John L. and Carol Pepper, and John L.'s parole was delayed after the committee complained to

*Continued on page 9*



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the Justice Department that he had given apparently false testimony. Attorneys for Ray's brothers and sister have accused the committee of committing illegal acts in their investigation and have charged that the committee is trying to limit the investigation to a "family plot."

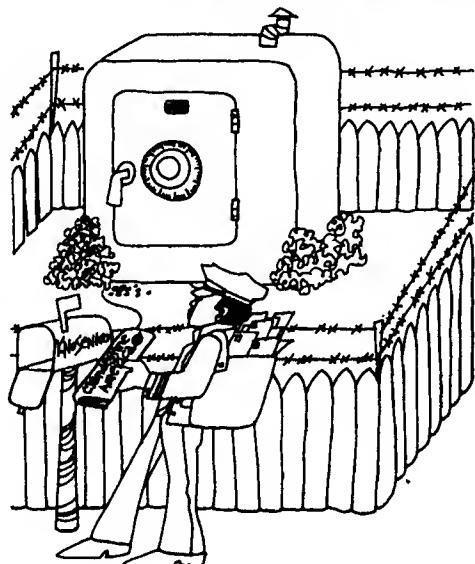
Whatever involvement Ray's brothers and sister had with Ray, whether they were in some sense co-conspirators in the King assassination or were simply criminal confederates with Ray, the explosive new evidence gathered by the committee indicates that the trail of conspiracy will lead through Ray's family on to those who were higher up in the plot.

In January 1978, local investigators in St. Louis, who were looking into recent art thefts, came upon the name of Russell Byers, a former auto parts salesman. Byers' FBI file, which was then checked, revealed that he had told an FBI informant in 1973 that two St. Louis area businessmen had offered him \$50,000 to kill Martin Luther King. The information was then sent to FBI headquarters for the first time and was promptly relayed to the HSCA, which is now investigating Byers' allegation. Details of the

Byers story were first revealed in a series of articles in the *New York Times* (July 26, 27 and August 3, 1978).

When he appeared before the HSCA, Byers identified the two businessmen, both now dead, as John R. Kauffman and John H. Sutherland, and fixed the time of the offer as late 1966 or early 1967. Kauffman, a stockbroker who was convicted in 1967 of attempting to sell 500,000 amphetamine tablets to an undercover agent, is reported to have been active behind the scenes in St. Louis County Democratic politics. One of his former attorneys told the *St. Louis Post-Dispatch*, "It would not surprise me. When a person wheels and deals to make a living, he could do something like this."

Sutherland was a patent lawyer, who lived near Kauffman in Imperial, Missouri. He was known as an ardent segregationist, and had been a contributor to the 1968 Wallace campaign as well as a Wallace elector from Missouri. (Kauffman is said to have backed Wallace also.) Sutherland, who died in 1970, left an estate of over \$300,000 (a great part of it in oil and chemical stocks and Rhodesian property). Sutherland had also invested with Kauffman



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Dear Friend,

Your continued support is crucial to keeping our newsletter going. We expect that our research efforts, especially those centered around the HSCA's final report, will continue to generate informative articles. We look forward to sending you this information and more on a regular basis.

This issue is our first in four months. The delay in publication was due to our work in preparing for and participating in the HSCA's King and JFK hearings. We expect now to return to our regular bi-monthly schedule and have added an additional two pages to this issue to make up for the lapse.

This issue also begins our second year of publication. Most of our subscribers began receiving copies in October 1977. If the box above contains a *red* check, it means it is time for you to renew now (or by the next issue) for another year. Please cut out this card (or type up the information on another card) and send it on to us with your remittance.

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in a water company. (The widows of both men testified before the HSCA this summer and expressed disbelief that their husbands could have made such an offer.)

One interesting detail, *not previously disclosed*, is an interview conducted by AIB investigator Jeff Cohen (May 20, 1976) with Attorney Robert Livingston, who served as Ray's counsel between 1971 and 1976. In his many hours of discussions with Livingston, Ray mentioned only one person as having been involved in a murder conspiracy—other than "Raoul." As Livingston told Cohen, "The only other man Ray has described is a rich St. Louis industrialist. Ray collected money from him after the assassination which aided in his flight to Europe. Although Ray has not named him, I got the impression Ray knows exactly who the industrialist is."

Byers had told the FBI informant in 1973 that he was taken by a man he now says was Kauffman to the home of a lawyer, whom he now says was Sutherland. (Byers told the informant only that his escort was short, stocky, and walked with a limp; Kauffman's widow told the HSCA, however, that Byers had known her husband for 20 years.) The lawyer (Sutherland) "had Confederate flags and other items about the house that might indicate that he was a 'real rebel'." After the Byers story was revealed by the *Times*, an anonymous source told the *St. Louis Post-Dispatch* that Byers had told him about the \$50,000 offer in 1968 (shortly after the assassination) and had mentioned a stock-broker and a patent lawyer as the sources of the offer. According to the source, Byers had speculated that the Ku Klux Klan or a similar organization was involved. "That's all he said. I thought it was just street talk." Byers says now he turned down the offer, thinking that the two men were simply looking for someone to be set up to take the blame for the assassination. Byers says he never transmitted the offer to anyone but he believes that it could have been communicated to inmates of the Missouri State Prison where James Earl Ray was incarcerated. But in 1968, the anonymous *Post-Dispatch* source got a different impression from Byers; Byers told him that Ray had been approached by the two men through Dr. Hugh Maxey, a friend of Kauffman's and the chief physician at the prison. (Also, Byers originally told the FBI informant that Kauffman was the man who actually "made the payoff" to Ray after King was killed.)

Byers' brother-in-law, John Paul Spica, was serving a life term for murder at the prison and residing six cells away from Ray. He has since been paroled, and denies ever hearing of the \$50,000 offer or any dealings with Ray. He calls Byers a "liar" and threatened the life of a *Times* reporter who tried to interview him. The HSCA has so far found no evidence that Spica did know of the

offer, but has uncovered a suspicious network of links between Spica, Kauffman, Dr. Maxey and members of Ray's family.

Dr. Maxey ran a "rehabilitation program" for inmates of the Jefferson City prison at a motel owned by Kauffman. One of the prisoners who participated in the program was John Spica. Dr. Maxey is 84 and totally deaf. The *Times* interview with him turned up little, but the newspaper did manage to find out that Spica worked for Maxey in the prison's medical department from May 1964 to January 1966.

The *Times* also discovered court testimony indicating that, in 1966, Kauffman was engaged in smuggling amphetamine powder into the prison. This has focused new attention on allegations first revealed by Tennessee State prosecutors in 1969 that James Earl Ray himself had trafficked in amphetamines while in prison and had used the proceeds to finance his activities after his escape. This, in turn, has rekindled interest in the Justice Department's revelation about Ray's sending money out of the prison to his sister, Carol Pepper. There have been reports that she used some of the money to obtain a lease on the Grapevine Tavern, where she held a license between November 1967 and December 1968.

The Grapevine is now under investigation by the HSCA. One of the tavern's former employees is Mrs. Neoma Regazzi. Her former husband has provided some interesting testimony; his son drowned on July 23, 1968 and during the search for the body his wife introduced him to a companion who turned out to be John L. Ray. On a later occasion, she introduced him to Jerry Ray. Regazzi says he also knew John Spica but never discussed the King assassination with him. These leads, while inconclusive, are among those still being pursued by the HSCA.

The Byers story thus should prove to be one of the most important subjects to be discussed at the forthcoming hearings. Whether it will lead to the conspiracy which killed Martin Luther King remains to be seen, but no more promising lead has yet been uncovered.

In addition, the story for the first time gives some definite indication that the King investigation has been thwarted by the FBI. The Bureau has now admitted publicly that the Byers allegation, received in 1973, should have been passed on to head quarters. Kauffman was still alive at the time and the story could have easily been checked out.

—J.K.

*At the present time the word from PBS and NPR is that there are no plans for TV or radio coverage of the November King hearings, unless Ray returns, and then only for those days. The King hearings are scheduled for the following dates: November 9, 10, 13-17, 20, 21, 27-30, and December 1.*

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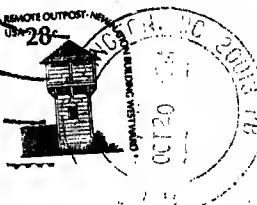
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